

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

JAMES R. JARVIS, <i>et al.</i> ,)	
)	Case No. 1:17-cv-172
<i>Plaintiffs</i> ,)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Christopher H. Steger
HAMILTON COUNTY DEPARTMENT)	
OF EDUCATION, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

ORDER

Under Rule 42 of the Federal Rules of Civil Procedure, for cases that involve a common question of law or fact, the Court may: (1) join for hearing or trial all matters at issue; (2) consolidate the cases; or (3) issue any other orders to avoid unnecessary cost or delay. Fed. R. Civ. P. 42(a). The Court may consolidate cases *sua sponte*. *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993). Additionally, under Rule 42(b), the Court may order a separate trial “[f]or convenience, to avoid prejudice, or to expedite and economize” Fed. R. Civ. P. 42(b).

The previously consolidated cases, Case No. 1:16-cv-373 and Case No. 1:16-cv-497—and the instant case—all arise from the same incident that occurred during a high school basketball team trip to Gatlinburg, Tennessee, in December 2015. The Court finds that they will likely involve common questions of law and fact such that it would be in the interest of judicial economy for the instant case to be consolidated with Case Nos. 1:16-cv-373 and 1:16-cv-497. However, there is a likelihood of confusion or prejudice if all three cases proceed to trial at once

because: (1) some Plaintiffs in this case are defendants in Case Nos. 1:16-cv-373 and 1:16-cv-497; (2) Plaintiffs have added Defendants that are not parties to Case Nos. 1:16-cv-373 and 1:16-cv-497; and (3) Plaintiffs assert claims that are not asserted in Case Nos. 1:16-cv-373 and 1:16-cv-497, such as age, gender, and race discrimination. Accordingly, the Court finds that consolidation for discovery and motion practice is appropriate, but that this case should remain separate from Case Nos. 1:16-cv-373 and 1:16-cv-497 for trial.

Accordingly, Case No. 1:17-cv-172 shall be **CONSOLIDATED** with Case No. 1:16-cv-373. Case No. 1:16-cv-373 is designated as the lead case and, pending final resolution of these consolidated cases, all subsequent papers, pleadings, and motions shall be filed in Case No. 1:16-cv-373. It is not necessary for the Clerk or the attorneys to note filings on each docket sheet, as it will be understood that, because of this order, each filing in Case No. 1:16-cv-373 will be deemed to have also been filed in Case No. 1:17-cv-172. At such time as the final resolution of the consolidated cases is made, the final order will be filed in each case, at which time the cases shall be closed.

All deadlines in the scheduling order issued in Case No. 1:16-cv-373 (Doc. 56) shall apply herein except for the following:

1. **Final Pretrial Conference:** A final pretrial conference will be held in Courtroom 1A on **June 11, 2018, at 3:00 p.m.** at the U. S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at **<http://www.tned.uscourts.gov>**. The parties should file trial briefs on anticipated evidentiary and legal issues at least three business days before the Final Pretrial Conference. Prior to the final pretrial conference, the parties should file an exhibit list with exhibits pre-marked for identification purposes.
2. **Trial:** The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on **June 25, 2018, at 9:00 a.m.** If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER**

SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**